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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/809,050

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Scott E. Dart

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EXAMINER

ALVESTEFFER, STEPHEN D

ART UNIT

PAPER NUMBER

2173

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/809,050	Applicant(s) DART ET AL.	
	Examiner Stephen Alvesteffer	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claims 1-23 are presented for examination. Claims 1, 13, and 23 are independent claims.

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 12 is objected to because of the following informalities:

- On claim 12 line 4, "absent form the user interface" should be corrected to
—absent **from** the user interface—

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 10-16, and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Angiulo et al. (hereinafter Angiulo), United States Patent Publication number 2002/0135621.

Regarding claim 1, Angiulo teaches a method comprising rendering a graphical user interface (Web page) including at least one viewable graphical element (thumbnail image) (see Abstract, first sentence), the graphical element (thumbnail image) having a filename associated therewith (see paragraph [0008], last sentence), the filename being absent from the user interface (see Figure 8).

Regarding claim 2, Angiulo teaches that the at least one viewable graphical element is an icon. The thumbnail images as taught by Angiulo (see Abstract) are the same as the icons of the instant application.

Regarding claims 3 and 4, Angiulo teaches determining if the filename is displayed on the user interface is based upon a type of data associated with the filename. Angiulo further teaches that the filename is not displayed if the data associated with the filename is image data. Angiulo's invention displays only image data with the .JPG extension (see paragraph [0056], first sentence). Both the thumbnail

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image and the filename cannot be displayed by Angiulo's invention if the file is not an image of type JPG.

Claims 10-12 recite limitations regarding the aligning of the graphical elements on the user interface display. Angiulo teaches all the elements of claims 10-12 including determination of the alignment of graphical elements on the user interface display (see paragraph [0066] and Figure 4).

Claims 13-16 recite a system with substantially the same limitations as claims 1-4. Therefore, claims 13-16 are rejected under the same rationale.

Claims 20 and 21 recite a system with substantially the same limitations as claims 10-12. Therefore, claims 20 and 21 are rejected under the same rationale.

Claim 22 recites an article of manufacture with substantially the same limitations as claim 1. Therefore, claim 22 is rejected under the same rationale.

Claim 23 recites a method with substantially the same limitations as claim 12. Therefore, claim 23 is rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-9 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo.

Claims 5-9 recite that the filename is not displayed if the data associated with the filename is multimedia data, image data, video data, or audio data. Furthermore, claims 5-9 recite that the filename may not be displayed based on an attribute of the filename, or if it is determined that the filename is machine generated.

Angiulo's invention does not display filenames when presenting image thumbnails because the filenames are redundant for the purpose of distinguishing the files from each other. Furthermore, it was well-known in the art at the time the invention was made that thumbnail images displayed within image galleries need not show filenames because they can be distinguished among each other visually. Likewise, certain types of data in which distinctive features of the data can be extracted and shown visually in the form of a thumbnail need not show the filename with the thumbnail. It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Angiulo's invention to include compilation and display of other file types, the other file types not displaying the filenames if displaying the filenames would be redundant.

Claims 17-19 recite a system with substantially the same limitations as claims 5-9. Therefore, claims 17-19 are rejected under the same rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Alvesteffer whose telephone number is (571)

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270-1295. The examiner can normally be reached on Monday-Friday 10:30AM-7:00PM.

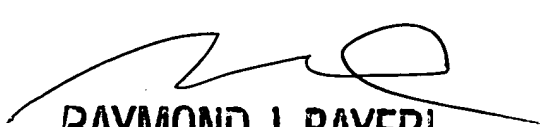
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Stephen Alvesteffer
Examiner
Art Unit 2173




3-30-2007



**RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173**